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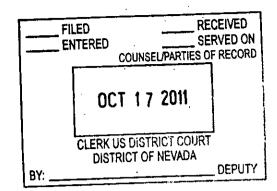
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UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

* * *

PAUL ALEXANDER MARSHALL

Plaintiff,

v.

CYNTHIA JOEANN CHORJEL;
VETERAN'S ADMINISTRATION; SIERRA
NEVADA HEALTHCARE SYSTEM

Defendants.

Case No. 3:11-CV-00724

DEFENDANTS' MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO COMPLAINT

COME NOW Defendants Veteran's Administration Sierra Nevada Healthcare System and Cynthia Joeann Chorjel, by and through their undersigned counsel, and move for an order extending the time within which they are required to file a responsive pleading up to and including December 5, 2011. The basis for this motion is as follows:

- 1. This action was originally filed in the Second Judicial District Court of the State of Nevada in and for the County of Washoe. The named Defendants in this action are the Veteran's Administration Sierra Nevada Healthcare System and Cynthia Joeann Chorjel.
- 2. On October 7, 2011, Defendant filed a Notice of Removal (#1) by which it removed this action from State Court to the Federal District Court.

- 3. Federal Rule of Civil Procedure 81(c) provides the time period to answer a complaint in a removed action. The time period provided is the later of twenty-one days after service of the complaint or seven days after the notice of removal is filed. However, the United States, a federal agency and a federal officer would ordinarily be permitted a sixty-day response time pursuant to Federal Rule of Civil Procedure 12(a)(2).
- 4. At this time, it is not apparent when (or if) Defendants, the Veteran's Administration Sierra Nevada Healthcare System and Cynthia Joeann Chorjel, were served with process in connection with the State Court action before removal. It is proposed and requested that the time within which to file a response be extended to December 5, 2011 (without waiving the defense of insufficiency of service of process), a date which falls 60 days after the filing of the Notice of Removal.
- 5. The usual sixty-day response time is needed to adequately evaluate the allegations of the complaint and to prepare a response to the complaint on behalf of Defendants.
 - 6. No prior request has been made for the relief requested herein.

Respectfully submitted,

DANIEL G. BOGDEN United States Attorney

<u>/s/ Holly A. Vance</u> HOLLY A. VANCE Assistant United States Attorney

IT IS SO ORDERE

U.S. MAGISTRATE JUDGE

DATED: WOR

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CERTIFICATE OF SERVICE PAUL ALEXANDER MARSHALL Case No. 3:11-CV-00724 Plaintiff, CYNTHIA JOEANN CHORJEL; VETERAN'S ADMINISTRATION; SIERRA NEVADA HEALTHCARE SYSTEM 8 Defendants. 9 10 I hereby certify that I am an employee in the office of the United States Attorney, Reno, 11 Nevada and I am of such age and discretion as to be competent to serve papers. On October 7, 12 2011, I served a copy of DEFENDANTS' MOTION FOR EXTENSION OF TIME TO FILE 13 RESPONSE TO COMPLAINT by placing said copy in a postpaid envelope addressed to the 14 person named below at the address stated below and by depositing said envelope and contents in 15 the United States mail at the United States Attorney's Office, 100 West Liberty Street, Suite 600, 16 Reno, Nevada 89501: 17 18 Addressee: JONATHAN H. KING, ESQ. 19 429 Marsh Avenue 20 Reno, NV 89509 /s/ Holly A. Vance HOLLY A. VANCE 21 22 23 24 25

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